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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,735	08/03/1999	ROBERT M. COOPER	06975/050001	2170
26171	7590	01/25/2007	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			HUYNH, SON P	
		ART UNIT	PAPER NUMBER	
				2623
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/25/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/365,735	COOPER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2006.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 82,85-97,100-111,113-117 and 127-145 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 82,85-97,100-111,113-117 and 127-145 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 82, 85-97, 100-111, 113-117, 127-145 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-81, 83-84, 98-99, 112, 118-126 have been cancelled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 82, 85-97, 100-111, 113-115, 127-145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 2004/0128686) in view of Zigmund et al. (US 6,698,020).

Regarding claim 82, Boyer discloses the user enter geographic location such as local zip code or any zip code for a local area of interest, or local day-part such as early,

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morning, mid day, afternoon, latenite, primetime, current, etc. (see including, but is not limited to, paragraphs 0077-0080). Boyer further discloses the entered zip code/local area and/or selected local-day parts is used to customize the program guide displayed to the user wherein the customization of program guide web page containing guide features that the user can customize such as channel line-ups and genre specific display colors (see including, but is not limited to, figures 4-6, 16, 20, par. 0051, paragraphs 0065, 0078, 0087, 0089, 0102-0107, 0065, 0116- 0118,) (note: since Boyer discloses programs in program listings may be listed based on a predetermined time slot (e.g. morning, afternoon, or primetime – paragraphs 0102-0104, all program listings based on time slot in the reference are interpreted as local day part such as morning, afternoon, or primetime).

Thus, Boyer discloses the method as claimed as interpreted below:

determining a geographic location of a user is broadly interpreted as either the user determines a geographic local to enter or the system determines the geographic location entered by the user so that program web page is customized based on user entered geographic location;

determining a local day-part appropriate for the geographic location (i.e. local day-part such as latenite, primetime, etc. associated with zip code entered by the user) is inherently determined so that the program guide web page is customized with a day-part (e.g. 1:30 pm to 3:00 pm , primetime, latenite, etc. based on user entered zip code— figure 16) when the day-part is selected.

receiving content (e.g. college football army vs. Navy, college basketball, paid program, advertisement, etc. – figure 16) from two or more broadcast content providers (KCBS, KNBC, KCAL, ESPN, advertisement provider, etc. – figure 16);

selecting broadcast content providers based upon the determined local day-part (e.g. selecting advertiser, KCBS, KNBC, etc. based upon selected time slot and/or mid day, latenite, etc. – figure 16, paragraphs 0102-0104);

configuring a content display to feature content from the selected broadcast content provider over content from other of broadcast content provider (e.g. configure to display advertisements content from advertisement provider(s) over content of KNBC, KTLA, etc. – figure 16);

presenting the content display to the user (e.g. figure 16), wherein the local day part is one of multiple standard time periods into which a day is divided by broadcast media for selling advertising time (e.g. latenite, prime time, etc. – figure 16, paragraphs 0102-0104). However, Boyer does not specifically disclose selecting a broadcast content provider from among the two or more broadcast content provider based upon the determined local day-part.

Zigmund discloses advertisement providers/advertisers provide advertisements (see include, but is not limited to, col. 8, lines 13-24); Local time is used to select an appropriate advertisement in situations where a program is broadcast simultaneously to viewers in different time zones. For example, satellite television subscribers on the West Coast often have access to the East Coast feeds of national broadcasters and cable networks. According, the ad selection criteria could ensure that certain advertisements

are shown at the time of day desired by the advertiser (i.e., showing "late nite" ads vs. "primetime" ads) (col. 13, lines 59-67, col. 16, line 65-col. 17, line 9, col. 18, lines 7-28). Thus, it is inherent that a broadcast provider is selected from among the two or more broadcast content providers based upon the determined local day part (e.g. advertisement provider of "latenite" ad is selected from advertisement providers of "latenite" ad and "primetime" ads and/or providers of television program upon the determined local day part (i.e., latenite)) so that the "latenite" ad is shown at "latenite" time as desired by the advertiser of "latenite" ad. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer to use the teaching as taught by Zigmond in order to maximize the effectiveness of broadcast content provider's efforts of targeting interested viewer, thereby increase revenue (see include, but is not limited to, col. 5, lines 1-14).

Regarding claims 85-88, Boyer in view of Zigmond teaches a method as discussed in the rejection of claim 82. Zigmond further teaches featuring content from the selected broadcast content provider comprises configuring the content display to display only content related to the selected broadcast content provider, or a majority of displayed content is related to the selected broadcast content provider, or display content related to the selected content provider in a prominent position/prominent manner on the display relative to other broadcast content provider (e.g., only displaying "latenite" ad related to the advertisement provider that provides "latenite" ad – see include, but is not limited to, col. 4, lines 36-52, col. 13, lines 59-67, col. 18, lines 10-15).

Regarding claim 89, the additional limitation of “the content includes content other than advertising content” is either read on TV program (Boyer - figures 16, 18) or “entertainment, informational, or any other programming – see Zigmond – col. 14, lines 30-35).

Regarding claim 90, Zigmond further discloses receiving advertisement segment corresponding to one or more of the broadcast content provider (e.g. receiving latenite ads or primetime ads corresponding to the advertisement providers of those ads – see include, but is not limited to, col. 13, lines 59-67),

identifying one or more advertising segments corresponding to the selected broadcast content provider (e.g. receiving latenite ads, primetime ads from the providers of those ads – col. 13, lines 59-67);

configuring the content display to feature one or more advertising segments corresponding to the selected broadcast content provider over advertising segments from other of the content sources (e.g. displays latenite ads over primetime ads at latenite – see include, but is not limited to, col. 13, lines 59-67).

Regarding claims 91-94, the additional limitations correspond to the additional limitations of claims 85-88, wherein the limitation “advertising segments” correspond to the limitation “content” as claimed in claims 85-88, and are analyzed as discussed with respect to the rejections of claims 85-88.

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Regarding claim 95, Boyer in view of Zigmond teaches a method as discussed in the rejection of claim 82. Zigmond further discloses configuring a communications utility upon the determined local day-part (e.g. using telephone line, Internet connection, etc. during nighttime hours, or “one the play”, see include, but is not limited to, col. 15, lines 1-16, col. 16, lines 1-19).

Regarding claim 96, Boyer in view of Zigmond teaches a method as discussed in the rejection of claim 82. Either Boyer or Zigmond discloses using Internet connection and WebTV(see Boyer – figure 1, or Zigmond, col. 15, lines 10-16,col. 18, lines 30-62). However, Boyer in view of Zigmond does not explicitly disclose configuring a chat room. Official Notice is taken that configuring a chat room is well known in the art. For example, configuring a chat room to discuss about the particular topic such as television program/channel being viewed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer in view of Zigmond with the well-known teaching in the art in order to allow user to discuss particular topic.

Regarding claim 113, the claimed feature of “featuring content from the designated content source comprises featuring content in addition to television content” is broadly met by advertisement, description, Internet content, etc. – see Boyer - figures 16 or Zigmond – col. 6, lines 40-47.

Regarding claim 114, the claimed feature of “featuring non-television content” is met by program guide, description, advertisement, audio, graphic, colors, logo, etc. (Boyer-figure 16, par. 0075, par. 0087 or Zigmond, col. 6, lines 40-47).

Regarding claim 115, the limitation “non-television content comprises color, a graphic, text, advertisement, etc. (Boyer, figure 16, par. 0075, par. 0087 or Zigmond, col. 6, lines 40-47).

Regarding claim 127, Boyer in view of Zigmond discloses a method as discussed in the rejection of claim 82. Zigmond further discloses the configuring the content display to feature from the selected broadcast content provider over content from other of the broadcast content provider based upon the determined local day-part (interpreted as displaying latenite ad but not primetime ad during late night hours – see include, but is not limited to, col. 13, lines 59-67, col. 18, lines 11-16).

Regarding claim 129, Zigmond further discloses the selected broadcast content provider purchased the determined local day part (e.g. latenite) for featuring its content over content from other of the broadcast content providers (e.g. providers of primetime ads) – see include, but is not limited to, col. 5, lines 1-14, col. 8, line 65-col. 9, line 20, col. 13, line 6-67).

Regarding claim 131, Boyer in view of Zigmond teaches a method as discussed in the rejection of claim 82. The additional limitations of "the local day part is time period determined from among multiple different time periods, each of the multiple different time periods being predesignated by at least one of the two or more broadcast content providers is read on time slot of a day such as latenite, primetime, etc. , each time slot being predesignated by advertiser, network, etc. (see include, but is not limited to, Boyer – figure 16, or Zigmond, col. 13, lines 59-67).

Claims 97, 100-111, 128,130,132 are directed toward embody the method of claims 82, 85-96, 127, 129, 131 respectively in "computer program store in computer readable medium". It would have been obvious to one of ordinary skill in the art to embody the procedures of Boyer in view of Zigmond as discussed in order that the processor performs the instructions automatically.

Regarding claim 133, the limitations as claimed correspond to the limitations as claimed in the rejection of claim 82, and are analyzed as discussed in the rejection of claim 82, wherein the first broadcast network and second broadcast network are interpreted as the advertisement provider of latenite ad and advertisement provider of primetime ad (see include, but is not limited to, col. 13, lines 59-67).

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Regarding claim 134, the limitation of "the broadcast media include the two or more broadcast content providers" is read on networks or advertisement providers (see Boyer, figure 16 or Zigmond, figure 4).

Regarding claim 135, Boyer in view of Zigmond further discloses "each of the local day part, the first day part, and the second day part is one of multiple time periods into which a day is customarily divided by broadcast media for selling advertising time" (e.g. time slot such as morning, primetime, latenite, etc. – see Boyer, figure 16; or Zigmond, col. 13, lines 56-67).

Regarding claim 136, the additional limitations correspond to the additional limitations of claim 129, and are analyzed as discussed in the rejection of claim 129.

Regarding claims 137-138, the additional limitations correspond to the additional limitations of claims 134-135, and are analyzed as discussed with respect to the rejections of claims 134-135.

Regarding claim 139, Zigmond further discloses showing the advertisements at the time desired by the advertiser (see include, but is not limited to, col. 13, lines 56-67).

Inherently, the local day part (e.g. late night) matches one of a first day part (e.g. primetime) and a second day part (e.g. "latenite") so that the advertisement is showed

at the time desired by the advertiser, the "latenite" day part being a different day part from the "primetime" day part.

Regarding claim 140, Boyer in view of Zigmond teaches a method as discussed in the rejection of claim 139. Zigmond further discloses selecting a broadcast content provider based upon the determined local day part and configuring a content display to feature content from the selected broadcast content provider (e.g. select advertisement provider of latenite ad, and displaying latenite ad – col. 13, lines 56-67);

since Zigmond discloses selecting and display local data based on local day part and day part of the ad (col. 13, lines 56-67), it is inherent that the method comprises conditioned on the local day part matching the first day part so that the matched ad is showed to the user based on local day part;

selecting a first broadcast content provider (e.g. selecting advertisement of latenite ad during latenite day part (col. 13, lines 56-67, col. 18, lines 10-15);

configuring the content display to feature content from the first broadcast content provider (configuring to display latenite ad from the advertisement provider – col. 13, lines 56-67, col. 18, lines 10-15);

conditioned on the local day part matching the second-day part, selecting a second broadcast content provider, and configuring the content display to feature content from the second content provider, the second content provider being different from the first broadcast content provider (discussed as for first content provider

wherein the second content provider is advertisement provider of “primetime” ad, for example).

Regarding claims 141-143, the additional limitations as claimed correspond to the additional limitations as claimed in claims 137, 139-140, and are analyzed as discussed with respect to the rejections of claims 137, 139-140.

Regarding claim 144, the limitations as claimed correspond to the limitations of claims 82 and 139, and are analyzed as discussed with respect to the rejections of claims 82 and 139.

Regarding claim 145, the limitations as claimed correspond to the limitations as claimed in claims 82 and 129, and are analyzed as discussed with respect to the rejection of claims 82 and 129.

4. Claims 116- 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US 2004/0128686) in view of Zigmond as applied to claim 82 above, and further in view of Alten et al. (US 5,635,978).

Regarding claim 116, Boyer in view of Zigmond discloses a method as discussed in the rejection of claim 82. However, Boyer in view of Zigmond does not specifically disclose adjusting the look and feel to complement the determined local day part.

Alten discloses configuring content display comprises adjusting the look and feel to complement the first associated day part (e.g. configure content display comprise adjusting to display a sunrise in the background every morning, a blue sky in day time, a nighttime view at night, etc. -col. 11, lines 30-52, figures 5b, 5c, 7a, 7b). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer in view of Zigmond to use the teaching as taught by Alten in order to help ease the monotony of viewing the program listings (col. 11, lines 33-36).

Regarding claim 117, Alten further discloses only background of the display changes (col. 11, lines 30-52). Thus, the look and feel is adjusted without modifying the content being displayed based on the local day part. "enabling presentation of the content display to the user" (figures 16,20,24,29).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al. (US 2004/0194131) discloses television system with scheduling of advertisements.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

January 21, 2007

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